

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In Re: Mary DiNallo, R.N.

Petition No. 990712-010-058

CONSENT ORDER

WHEREAS, Mary DiNallo (hereinafter "respondent") of Bennington, Vermont, has been issued license number E54402 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, on or about February 3, 1999 the Board of Regents of the State of New York (hereinafter "the New York Board") and respondent entered into a Consent Order (hereinafter "the New York Order," a certified copy of which is attached hereto marked as Attachment "A" and incorporated herein by reference) imposing professional discipline on respondent's New York nursing license. In the New York Order, the New York Board alleges that while employed as a registered nurse at Bellevue Woman's Hospital in Niskayuna, New York, respondent: on October 1, 1995 failed to report significant assessment information; on December 7, 1995 lost the narcotic keys to the North medication cart; and, on December 7, 1995 administered the wrong IV to a patient, which IV was also outdated. The discipline imposed by the New York Board in the New York Order consisted of the following:

1. A one year stayed suspension;

2. A one year concurrent probation with the following terms and conditions:
 - A. respondent shall notify the New York Board of any employment and/or practice, her residence, telephone number, or mailing address, and of any change in her employment, practice, residence, telephone number, or mailing address.
 - B. respondent shall pay a \$500 fine within six months after the effective date of the service of the Order.
 - C. respondent shall have quarterly performance reports submitted from respondent's employer, evaluating respondent's performance in the practice of nursing in respondent's place of employment, said reports to be prepared by respondent's supervisor or employer.

WHEREAS, the admission that formed the basis for the New York Order constitutes grounds for disciplinary action pursuant to §20-99(b) of the General Statutes of Connecticut.

WHEREAS, the New York Order constitutes grounds for disciplinary action pursuant to §§19a-17 and 20-99(b) of the General Statutes of Connecticut.

WHEREAS, the Department has received a copy of the New York Order of the New York Board, and has instituted an investigation based solely upon the facts set forth in the New York Order; and,

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number E54402 to practice as a registered nurse in the State of Connecticut is hereby placed on probation for one year, subject to the following terms and conditions:
 - A. Respondent shall provide a copy of this Consent Order to all current and future employers in Connecticut for the duration of her probation.
 - B. Respondent shall not accept employment in Connecticut as a nurse for a personnel provider service, Assisted Living Services Agency, Homemaker - Home Health Aide Agency, or home health care agency, and shall not be self-employed in Connecticut as a nurse for the period of her probation.
 - C. Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) quarterly for the duration of her probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3H below.

- D. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- E. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- F. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Consent Order within fifteen (15) days of receipt.
- G. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
- H. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- 4. Violation of any of the terms of the New York Order shall be deemed a violation of this Consent Order.
- 5. Any violation of the terms of the New York Order or this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of the respondent's nursing license following notice and an opportunity to be heard.

6. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
8. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
9. Respondent understands this Consent Order is a matter of public record.
10. Respondent understands this Consent Order may be considered as evidence of the violations admitted in the New York Order in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing in Connecticut as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary


action, respondent stipulates that her failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
14. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
15. Respondent has had the opportunity to consult with an attorney prior to signing this document.

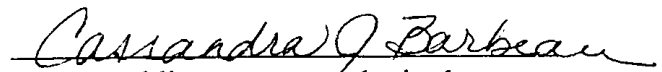
*

I, Mary DiNallo, R.N., have read the above Consent Order, and I agree to the terms set forth therein.


I further declare the execution of this Consent Order to be my free act and deed.


Mary DiNallo

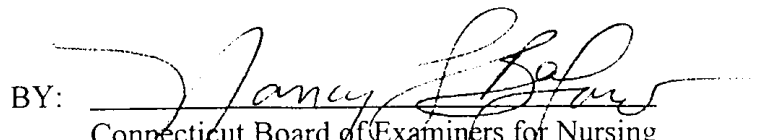
Subscribed and sworn to before me this 7th day of September, 1999.


Notary Public or person authorized
by law to administer an oath or affirmation

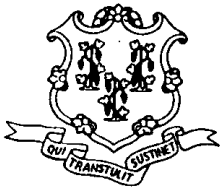
The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24th day of September, 1999, it is hereby accepted.


Kathleen Zarrella, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 17th day of November, 1999, it is hereby ordered and accepted.

BY: 
Connecticut Board of Examiners for Nursing

S: milt/dinallo/legal/co. 8/99



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 5, 2000

Mary DiNallo, RN
212 Pleasant Street, #5
Bennington, Vermont 05201-2575

Re: Consent Order
Petition No. 990712-010-058
License No. E54402
DOB: [REDACTED]

Dear Ms. DiNallo:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 12/1/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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